



PLANNING REPORT

Board of Zoning Appeals

Thursday, April 27, 2017

Cardinal Health – Non-Use (Area) Variance
Frantz/Rings Road (273-010749) and 5100 Rings Road

Case Summary

Agenda Item	1
Case Number	17-035V
Proposal	A request for variances to several sections of the City of Dublin Zoning Code to construct a smart parking lot that does not meet minimum setback and accessory structure requirements.
Request	Review and approval of variance under the provisions of Zoning Code Section 153.231.
Site Location	Northwest corner of Frantz and Rings Road.
Applicant	Dana McDaniel, City Manager for City of Dublin; represented by Brian Quackenbush, EMH&T
Case Manager	Tammy Noble, Senior Planner (614) 410-4649 tnoble@dublin.oh.us
Recommendation	Approval. Planning recommends approval of the non-use (area) variances for Rings and Frantz Road (273-010749) and 5100 Rings Road. The approval is as follows: Planning recommends approval of three variances for Rings and Frantz Road (273-010749). The first variances is from Section 153.071(B)(2) which requires a five-foot setback for pavement and hardscape setback. The proposal is for a zero setback. The second variance is from Section 153.154 that prohibits changeable copy signs. The third variance is from Section 153.074(D)(2) which requires that accessory structures be located on the same lot as the principal use.

Planning recommends approval of two variances for 5100 Rings Road. The first variance is from Section 153.071(B)(2) which requires a five-foot setback for pavement and hardscape, whereas zero setback is proposed.



Facts

Site Area	Property A - Frantz/Rings Road (273-010749) contains 23.65 acres Property B - 5100 Rings Road contains 24.8 acres
Zoning	OLR, Office Laboratory and Research District
Surrounding Zoning And Uses	To the north, south and west of the site is zoned OLR, Office Laboratory and Research District and contains general office land uses. To the west of the site is a vacant tract of land located in Washington Township.
Site Features	The site includes two parcels of land located on the northwest corner of Rings Road and Frantz Road. The first parcel (referred to as Property A) is a vacant tract of land that has approximately 1,160 feet of frontage along Frantz Road and approximately 645 feet of frontage along Rings Road. The site contains a regional storm water basin along Frantz Road and various small areas of tree canopies. The second parcel (referred to as Property B) has approximately 1,000 feet of frontage along Rings Road and a small portion of frontage along Blazer Parkway. The parcel contains a seven-story, 414,932 square foot office building with parking located north, south and west of the building. There is also a small storm water pond located in the southwest corner of the site.
Background	<p>The City of Dublin is partnering with Cardinal Health to consolidate various business locations throughout the region. Cardinal Health will be relocating their various business locations to 5100 Rings Road (referred to as property B). The City of Dublin owns the adjacent property (referred to as property A) and is working in collaboration with Cardinal Health to develop the property as an innovative smart parking lot that utilized the best business practices for sustainable development. The parking lot will contain bio-swales for storm water management, pervious pavement to provide additional areas for storm water runoff, solar panels to harness energy, and will use automated monitoring technology to collect data related to parking demands. The site will have underground storm water tanks will contain weather sensors that will notify us when high capacity rain events are expected and the tanks will release water to accommodate the additional runoff. This site will be used to analyze these design alternatives and promote their future use in development projects.</p> <p>This parking lot will be owned by the City of Dublin but leased to Cardinal Health. The two sites will function for one use, but will remain as two separate parcels of land. There will be minimal additional improvements to 5100 Rings Road which includes additional sidewalk and hardscape that will provide access to the new parking area.</p>

Details

Non-Use (Area Variance)

Proposal

This is a proposal is to construct a smart parking lot that will provide additional parking for an existing office building. The sites will consist of two parcels of land will be used as the headquarters for Cardinal Health. The two properties will remain in separate ownership but will be used collectively for one tenant. Based on the existing lot line that will separate the building from the proposed parking area, several setback requirements and provisions related to accessory structures will not be met. The variances include the following for each site:

Property A - Rings and Frantz Road (273-010749)

1. Section 153.071(B)(2). Yard space not otherwise required but provided shall be five feet or more in width.
2. Section 153.154. The following signs or similar devices are prohibited: off-premise signs, trailblazer signs, externally visible neon and neon look-alike signs, trailer signs, search lights, laser lights, pennants, streamers, spinners, bench signs, portable signs, roof signs, billboards, *changeable copy signs*.
3. Section 153.074(D)(2). In any zoning district except a residential district, accessory uses or structures shall be on the same lot as the principal use or structure.

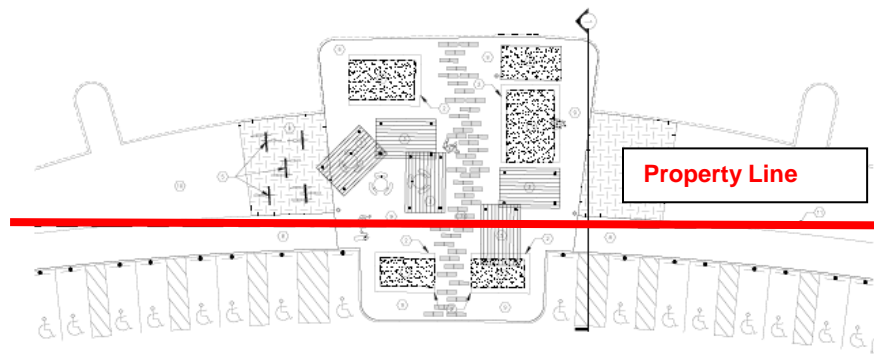
Property B - 5100 Rings Road

1. Section 153.071(B)(2). Yard space not otherwise required but provided shall be five feet or more in width.

Property A - Frantz and Rings Road

There are three variances required for the Frantz and Rings Road (273-010749). The first variance is related to a side walk and hardscape that occurs on both sides of the lot line resulting in a zero setback. The Zoning Code requires a minimum setback of five feet in areas of the code that do not specify a setback. There is no pavement setbacks in this scenario and therefore this provision of the Code would apply. Both properties would be requesting a zero setback where a five foot setback is requirement.

Hardscape/Patio Area Straddling Property Line



Details

Non-Use (Area Variance)

The second variance is for a sign that categorized as a changeable copy sign. The sign will be part of an electronic monitoring system that calculates the number of parking spaces that are being utilized at various periods of the day. This will allow data to be collected and indicate the peak hours of parking demands. The sign will be used to display this information to the general public. This will allow the public to know when parking is available and where this parking is located. In doing so, the numbers on the sign will continually change as cars enter and leave the lot. This type of sign is currently prohibited by the Zoning Code primarily to discourage flashing and animated signs that serve more as a "distractive" measure rather than a functional purpose. It also prohibited changeable signs that are can be aesthetically challenging. The type of signs proposed in this application is a high quality sign that serves a specific purpose for both data collection and way finding. Planning has determined that the proposed sign is not consistent with the type of sign that is intended to be prohibited and acceptable as an important method of providing pertinent information to the general public.



The third variance is for an accessory structure that is not located on the same site as the principal use. The site is using solar panels that will be placed throughout various areas of the parking lot. The panels are permanently affixed to the ground and are therefore considered accessory structures. These structures will be located on a separate lot than the principal use, which is Cardinal Health. In this instance, combining the lots are not an option based on the separate ownership of the properties. It is also the basis of these zoning requests.



Details	Non-Use (Area Variance)
<i>Property B – 5100 Rings Road</i>	The first variance is related to a side walk and hardscape that occurs on both sides of the lot line and creating a zero setback. The Zoning Code requires a minimum setback of five feet in areas of the code that do not specify a setback requirement. There is no pavement setback between property lines, not adjacent to roadways, and therefore this provision of the Code would apply. Both properties would be requesting a zero setback where a five foot setback is requirement.

Analysis	Non-Use (Area) Variance
<i>Process</i>	Zoning Code Section 153.231(C)(3) allows the Board of Zoning Appeals to approve requests for non-use (area) variances only in cases where the Board finds there is evidence of a practical difficulty present on the property, limiting conformance to the strict requirements of the Zoning Code. The Board shall make a finding that the required review standards have been appropriately satisfied (refer to the last page of this report for the full wording of the review standards).
ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET	
1. <i>Special Conditions.</i>	Criterion met: Both properties are being utilized for the relocation of a single user, Cardinal Health. The properties are owned by separate entities and will remain so under existing agreements between the property owner, Cardinal Health and the City of Dublin. Based on these ownership issues, the properties can not be combined by the Franklin County Auditor's Department. The existence of this lot line must be maintained although the properties will function as if they are a single property. Based on this condition, Planning has determined that this does provide a special condition that is not commonly associated with other properties.
2. <i>Applicant Action/Inaction.</i>	Criterion met: Both owners of the properties, including the City of Dublin, will remain owners of the site and will lease the properties to Cardinal Health. Ownership of the land is a condition that is not related to action or inaction of the applicant.
3. <i>No Substantial Adverse Effect</i>	Criterion met: The two properties will operate as one use and will provide necessary amenities, including parking, storm water management and innovative design practices, associated with Cardinal Health. The property line will be a "paper lot line" and will not impact the use of the space nor have adverse effects on the public.
AT LEAST TWO OF THE FOLLOWING FOUR STANDARDS MUST BE MET	

Analysis	Non-Use (Area) Variance
1. <i>Special Privileges.</i>	<p>Criterion met: Other properties with similar conditions would be reviewed in the same manner. By granting variances to these sections of the Code, it does not constitute special privileges the applicants and owners of the property.</p>
2. <i>Recurrent in Nature.</i>	<p>Criterion met: This is a unique request and is not recurrent in nature. Special consideration must be given to the application in order to allow a functional site for future tenant(s).</p>
3. <i>Delivery of Governmental Services.</i>	<p>Criterion met: The delivery of governmental services will not be impacted by the request and essential services such as emergency service and daily mail services will not be impacted.</p>
4. <i>Other Method Available.</i>	<p>Criterion met: The only method of omitting the needs for variances would be to redesign the site so they function as separate uses or combined the properties under a single owner. Neither of these methods are practical in nature and would be to the benefit of the general public. Therefore, Planning is determining that there are no viable options available for the owners to meet the provisions of the Zoning Code.</p>

Recommendation Variance	Non-Use (Area)
<p>Approval</p>	<p>Planning recommends approval of the non-use (area) variances for Rings and Frantz Road (273-010749) and 5100 Rings Road. The approval is as follows:</p> <p>Planning recommends approval of three variances for Rings and Frantz Road (273-010749). The first variances is from Section 153.071(B)(2) which requires a five-foot setback for pavement and hardscape setback. The proposal is for a zero setback. The second variance is from Section 153.154 that prohibits changeable copy signs. The third variance is from Section 153.074(D)(2) which requires that accessory structures be located on the same lot as the principal use.</p> <p>Planning recommends approval of two variances for 5100 Rings Road. The first variances is from Section 153.071(B)(2) which requires a five-foot setback for pavement and hardscape, whereas zero setback is proposed.</p>

NON-USE (AREA) VARIANCES

Section 153.231(H)(1) Variance Procedures

On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development requirements of this Code unreasonable and, therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

Non-Use (Area) Variances. Upon application, the Board of Zoning Appeals shall only approve a request for a non-use variance only in cases where there is evidence of practical difficulty present on the property in the official record of the hearing, and that the findings required in (a) and (b) have been satisfied with respect to the required standards of review (refer to the last page of this Report for the full wording of the review standards):

(a) That all of the following three findings are made:

(1) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district whereby the literal enforcement of the requirements of this Chapter would involve practical difficulties. Special conditions or circumstances may include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment; or by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or by reason of the use or development of the property immediately adjoining the property in question.

(2) That the variance is not necessitated because of any action or inaction of the applicant.

(3) Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this Chapter.

(b) That at least two of the following four findings are made:

(1) That a literal interpretation of the provisions of the Zoning Code would not confer on the applicant any special privilege or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter.

(2) The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.

(3) The variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).

(4) The practical difficulty could be eliminated by some other method, even if the solution is less convenient or most costly to achieve.